

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, FEBRUARY 11, 2015  
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

'15 FEB -5 P1:22

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. INTERVIEWS:

1. SALARY COMMISSION:

- Robert B. Crowell – Term ending 12/31/2017

2. LIQUOR CONTROL COMMISSION:

- Shirley T. Akita – Term ending 12/31/2017

E. MINUTES of the following meeting of the Council:

1. December 17, 2014 Council Meeting

F. CONSENT CALENDAR:

1. C 2015-55      Communication (01/16/2015) from the Director of Human Resources, transmitting for Council information, the October-December 2014 Quarterly Report, pursuant to Section 19 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2014-2015, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter.
2. C 2015-56      Communication (01/20/2015) from the Acting Director of Finance, transmitting for Council information, the Period 1, 2, and 3 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of September 30, 2014, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2014-2015. *(Copies of the Period 1, 2, and 3 Financial Reports as of September 30, 2014 on file in the County Clerk's Office.)*

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

3. C 2015-57      Communication (01/22/2015) from the County Engineer, transmitting for Council information, the following monthly Building Permit Reports for the months of October, November, and December 2014:
1. Building Permit Processing Report – Information on quantity and value of incoming applications, value of permits issued, and status of Revolving Fund;
  2. Building Permit Estimate Value Summary – Graph of Building Permit estimated values over a one (1) year period;
  3. Building Permits Tracking Report – Summary of processing times overall and by Agency for all permits issued during the reporting period; and
  4. Building Permits Status: All current open applications – Summary review times overall and by Agency for all outstanding permit applications.  
*(Copies on file in the County Clerk's Office.)*
4. C 2015-58      Communication (01/23/2015) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kaua'i from October 1, 2014 through December 31, 2014.
5. C 2015-59      Communication (01/27/2015) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:
1. Charter Review Commission
    - Cheryl A. Stiglmeier – Term ending 12/31/2015
  2. Liquor Control Commission
    - Shirley T. Akita – Term ending 12/31/2017
  3. Salary Commission
    - Robert B. Crowell – Term ending 12/31/2017
- (See Resolution No. 2015-22, Resolution No. 2015-23, and Resolution No. 2015-24)*
6. C 2015-60      Communication (01/28/2015) from the Director of Planning, transmitting the Planning Commission's recommendation to amend zoning conditions in Ordinance No. PM-31-79, as amended, by PM-2009-391, and Ordinance No. PM-2001-354 to allow for direct vehicular access onto Po'ipū Road from the Kiahuna Master Planning Area *(John Horowitz, et al., Applicants)*. *(Copies of the Applicant's petition; Minutes of the January 27, 2015 (Excerpt) public hearings; and the Planning Director's Report of November 28, 2014 on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2577) and Proposed Draft Bill (No. 2578))*

7. C 2015-61      Communication (01/29/2015) from Council Chair Rapozo, transmitting for Council consideration, a proposed draft Bill to authorize the Office of the County Auditor to procure the services of a contract auditor and approving a contract for a contract auditor from appropriations of a later fiscal year for more than one fiscal year. The purpose of this proposed draft Bill is to authorize the Office of the County Auditor to procure the services of a certified public accountant or firm of certified public accountants to conduct the independent audits of all County funds and accounts as required pursuant to Sections 3.12 and 32.02(A)(1) of the Charter of the County of Kaua'i, as amended, and the Single Audit Act of 1984.  
*(See Proposed Draft Bill (No. 2579))*

G. COMMUNICATIONS:

1. C 2015-62      Communication (01/12/2015) from the Executive on Aging, requesting Council approval to receive, expend State funds, and indemnify the State Executive Office on Aging for the award of additional supplemental Kupuna Care funds in the amount of \$238,720 to the County of Kaua'i, Agency on Elderly Affairs, which will be used to provide homemaker, personal care, adult day care, and chore services for program participants.
2. C 2015-63      Communication (01/12/2015) from the Executive on Aging, requesting Council approval to receive, expend, and indemnify the State Executive Office on Aging for the award of a total sum of \$159,200 to the County of Kaua'i, Agency on Elderly Affairs, for the operational costs associated with the Aging and Disability Resource Center (ADRC). The breakdown by funding source is as follows:
1. ACT 122 - \$88,863
  2. ACT 151 - \$70,337
3. C 2015-64      Communication (01/14/2015) from the Executive on Aging, requesting Council approval to receive and expend a donation in the amount of \$100 from Kaua'i Community Federal Credit Union, for the purpose of printing the Kupuna Resource Directory.
3. C 2015-65      Communication (01/15/2015) from Council Chair Rapozo, requesting Council consideration, for the public release of the following County Attorney opinion relating to Bill No. 2565 regarding the purchase of Real Property Assessment Software:
- County Attorney Opinion dated January 12, 2015  
(Tracking No. 14-2249)

4. C 2015-66      Communication (01/15/2015) from the County Engineer, requesting Council approval, to purchase a new Leica Survey Robotic Total Station System, at a cost of \$40,000, to replace the current survey equipment in the Engineering Division that is outdated and unreliable to perform surveys for many of the Capital Improvement Projects.
  
5. C 2015-67      Communication (01/15/2015) from the Housing Director, requesting Council approval for the following:
  1. Acquisition of a residential unit at 1617 Papau Street, Kapa'a, Kaua'i, Hawai'i, TMK: (4) 4-6-038-036, for a purchase price of not more than \$369,000 under the County's Community Development Block Grant (CDBG) Program based on the fee simple market appraisal;
  2. Resale of 1617 Papau Street, Kapa'a, Kaua'i, Hawai'i, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
  3. Authorize the County Clerk to sign legal documents related to these transactions.
  
6. C 2015-68      Communication (01/23/2015) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 601 in Ho'okena at Puhi, 2080 Manawalea Street, Lihu'e, Hawai'i, and grant the owner a one-year wavier of the buyback provision to allow for a market sale by the owner.
  
7. C 2015-69      Communication (01/22/2015) from the County Attorney, requesting authorization to expend funds up to \$25,000 for Special Counsel's continued services provided in County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters.
  
8. C 2015-70      Communication (01/23/2015) from the Real Property Tax Manager, requesting Council approval to dispose of Finance – Real Property Collections Files to include paid real property tax bills, cash register receipts, daily, monthly, yearly balancing reports, and miscellaneous files from Fiscal Years 1996-1997 to Fiscal Years 2005-2006, pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 49-86 (1986) as amended, for the following reasons:
  - Kept for over seven (7) years and are no longer of use or value. Accounts Receivable and Trial Balance reports are saved on Microfiche and Reels.

H. CLAIM:

1. C 2015-71      Communication (01/26/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Vance Kamibayashi, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT(S):1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2015-02:** on Bill No. 2568      A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT  
[Received for the Record.]

J. RESOLUTIONS:

1. Resolution No. 2015-22 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Cheryl A. Stiglmeier*)
2. Resolution No. 2015-23 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Shirley T. Akita*)
3. Resolution No. 2015-24 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Robert B. Crowell*)

K. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2577) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-31-79, AND ORDINANCE NO. PM-2009-391 RELATING TO ZONING DESIGNATION IN PO'IPŪ, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*)
2. Proposed Draft Bill (No. 2578) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-2001-354, RELATING TO ZONING DESIGNATION IN PO'IPŪ, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*)

3. Proposed Draft Bill (No. 2579) – A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR

L. BILL FOR SECOND READING:

1. Bill No. 2568 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (*See also CR-PWPR 2015-02; the Public Works / Parks & Recreation Committee recommended Bill No. 2568 be received for the record.*)

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-781 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing on County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-782 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

*[\*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

**For a copy of the notice, please go to:**

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. Bill No. 2570 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND, HIGHWAY FUND, SOLID WASTE FUND, SEWER FUND, AND GOLF FUND (*Full Funding of OPEB Annual Required Contribution (ARC) - \$1,503,504*)
2. Bill No. 2571 – A BILL FOR AN ORDINANCE ESTABLISHING PROCEDURES, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE LĪHUʻE PLANNING DISTRICT
3. Bill No. 2572 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Special Counsel Account - \$650,000*)
4. Bill No. 2573 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DECLARING A PUBLIC NUISANCE
5. Bill No. 2574 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Relief for the 2015 Tax Year*)

- P. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.